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RECORDING PAGE

Type of Instrument: JUDGMENT OF FORECLOS
Recorded: 1/8/2019
Index Number: 13 21682 Sequence Number: 107
Plaintiff(s) :

US BANK NATIONAL ASSOCIATION

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Defendant(s) :

SUFFOLK COUNTY PUBLIC ADMINISTRATOR AS ADMINISTRATOR OF ESTATE OF

Attorney(s) :

TAX_MAP_NO:
0500-438.00-03.00-089.000

Liber Page(s):
M00021529-785

ADDITIONAL INFORMATION EXISTS PLEASE SEE DOCUMENT
THIS PAGE IS A PART OF THE INSTRUMENT
THIS IS NOT A BILL

Judith A. Pascale
County Clerk, Suffolk County

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21539 785

MOTION/CROSS/OSC
FEE PAID
Judith A. Pascale
Suffolk County Clerk

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HON. JOSEPH FARNETI, A.J.S.C.

Part 37 of

At the Supreme Court of the State of New York held in and for the County of Suffolk at the Courthouse thereof, at 1 Court Street, Riverhead, New York 11901, on December 3, 2018.

Mot. seq. #004-MG
CASEDISP

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MTGLQ INVESTORS, L.P.,

Plaintiff,

-against-

Index No. 21682/2013

JUDGMENT OF FORECLOSURE AND SALE AND AMENDMENT OF THE CASE CAPTION

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SUFFOLK COUNTY PUBLIC ADMINISTRATOR AS ADMINISTRATOR OF THE ESTATE OF ROBERT BELCHER A/K/A ROBERT B. BELCHER; UNITED STATES OF AMERICA O/B/O INTERNAL REVENUE SERVICE; NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE; VIRGINIA BELCHER A/K/A VIRGINIA M. BELCHER; LANCE BELCHER A/K/A LANCE R. BELCHER; ROBERT BELCHER, JR.; UNKNOWN HEIRS OF THE ESTATE OF ROBERT BELCHER A/K/A ROBERT B. BELCHER; COMMISSIONER OF TAXATION AND FINANCE - CIVIL ENFORCEMENT REGION; CLERK OF THE SUFFOLK COUNTY DISTRICT COURT,

Defendants.

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Mortgaged Premises:
530 Myrtle Avenue
West Islip, NY 11795

District: 0500
Section: 438.00
Block: 03.00
Lot: 089.000

----------X

ENTERED: JAN 0 8 2019
AT: 3:24pm

No Directive

ON the Summons, Verified Complaint and Notice of Pendency duly filed in the Suffolk County Clerk's Office on August 13, 2013, amended Complaint filed on November 17, 2016, and additional notices of pendency filed on July 25, 2016 and January 17, 2017, and all proceedings thereon; and on reading and filing the Notice of Motion dated October 4, 2018, Affirmation of Regularity of Juliana Thibaut, Esq. dated October 4, 2018, with exhibits annexed thereto, showing that all of the Defendant(s) herein have been duly served within this State with a copy of the Summons in this action, or have voluntarily appeared pro se or by their respective attorneys, or after due diligent efforts to effectuate service having been unsuccessful and a determination made that such service upon certain Defendant(s) cannot be effected; and on proof of service upon and appearance, if any, by the Defendant(s) herein heretofore filed in this action; and stating that more

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than the legally required number of days have elapsed since said Defendant(s) were so served; and that all Defendant(s) herein have defaulted in pleading by failing to serve an answer to said Complaint, nor has their time to do so been extended; and

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ON the Order of Reference granted on May 14, 2018 and entered in the Suffolk County Clerk's Office on May 31, 2018, appointing Donald Kitson, Esq. as Referee in this action to ascertain and compute the amount due Plaintiff for principal, interest and advances made pursuant to the Note and Mortgage, and to examine the Plaintiff or its agent on oath as to allegations of the

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complaint, and to examine and report whether the Mortgaged Premises should be sold in one or more parcels;

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AND on reading and filing the oath and report of the aforesaid Referee sworn to and dated July 25, 2018, it appears that the sum of $522,484.94 was due the Plaintiff for principal, interest and advances made pursuant to the Note and Mortgage, as of July 19, 2018, plus interest for every

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day thereafter, on the date of said Report and that the Mortgaged Premises should be sold in one parcel;

AHSC

NOW, on the unopposed motion of Friedman Vartolo LLP, the attorneys for the Plaintiff, it is:

ORDERED, that the instant motion is granted; and it is further

ORDERED, ADJUDGED AND DECREED that the report of Donald Kitson, Esq. dated July 25, 2018, be, and the same is hereby, in all respects, ratified and confirmed; and it is further

ORDERED, ADJUDGED AND DECREED that by accepting this appointment the Referee certifies that they are in compliance with Part 36 of the Rules of the Chief Judge (22 NYCRR Part 36), including, but not limited to, section 36.2(c) ("Disqualification from appointment"), and section 36.2(d) ("Limitations on appointments based upon compensation"); and it is further

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ORDERED, ADJUDGED AND DECREED, that if the Referee does not conduct the sale within 90 days of the date of the judgment, in accordance with CPLR 2004, the time fixed by RPAPL §1351(1) is extended for the Referee to conduct the sale as soon as reasonably practicable; and it is further

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ORDERED, ADJUDGED AND DECREED that the Mortgaged Premises 530 Myrtle Avenue, West Islip, New York 11795; a description of said mortgaged premises is annexed hereto and made a part hereof as Schedule A) (hereinafter "Mortgaged Premises") as further described in the complaint in this action, or such part thereof as may be sufficient to discharge the mortgage debt under the note and mortgage, the expenses of the sale and the costs of this action as provided by the Real Property Actions Proceeding Law be sold in one parcel, at public auction at

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ISLIP TOWN HALL
655 MAIN STREET
ISLIP, NY 11751

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by and under the direction of Donald Kitson Esq., who is hereby appointed Referee for that purpose; that said Referee give public notice of the time and place of such sale in accordance with the law, practice of this Court and RPAPL §231 in Islip Bulletin and that the Plaintiff or any other party to this action may become the purchaser at such sale; that in case the Plaintiff or its assignee shall become the purchaser at the said sale, they shall not be required to make any deposit thereon; that said Referee execute to the purchaser or purchasers on such sale a deed of the premises sold; that in the event a party other than the Plaintiff or its assignee becomes the purchaser or purchasers at such sale they shall be required to tender a deposit of 10% of the purchase price in certified funds and the closing of title shall be had thirty days after such sale unless otherwise stipulated by all parties to the sale and if such closing is required, and the

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Referee seeks and is awarded additional fees for said closing, those fees shall be paid by purchaser; and it is further

ORDERED, ADJUDGED AND DECREED, that Plaintiff may assign its interests and rights under the instant Judgment to a third party of its choosing by filing an Assignment of Cause of Action with the County Clerk and providing a copy to the Referee appointed within the instant order; and it is further

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ORDERED, ADJUDGED AND DECREED, that said Referee on receiving the proceeds of the sale, shall forthwith pay therefrom, in accordance with their priority according to law, the taxes, assessments, sewer rents or water rates which are or may become liens on the premises at the time of sale with such interest or penalties which may have lawfully accrued thereon to the date of payment; and it is further,

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ORDERED, ADJUDGED AND DECREED, that Plaintiff or any other party that may become the purchaser or purchasers at such sale shall pay all transfer taxes and recording expenses, any and all maintenance fees and assessments, taxes, water rates, and any fees associated with the transfer of title for the Mortgaged Premises accrued from the sale date forward are the obligation of the purchaser, and that in the event a party, other than Plaintiff, becomes the purchaser or purchasers at such sale, the closing of title shall be had thirty days after such sale unless otherwise stipulated by all parties to the sale, including Plaintiff and that failure of the purchaser(s) to close within thirty days may result in forfeiture of any deposit tendered by purchaser(s), in lieu of closing, and that Plaintiff reserves the right to sell to the next highest bidder at said sale; that any purchaser, other than Plaintiff, shall pay interest on the purchase price from the date of sale to the date of delivery of the deed; that in case Plaintiff shall become the purchaser at the said sale, it shall not be required to make any deposit thereon; and it is further

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ORDERED, ADJUDGED AND DECREED, that said Referee then deposit the balance of said proceeds of sale in his/her own name as Referee in any FDIC-insured bank in Suffolk County and shall thereafter make the following payments and his/her checks drawn for that purpose shall be paid by said depository;

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FIRST: That statutory fees of the Referee pursuant to CPLR §8003(b) which shall not exceed the sum of $500.00 unless the sale price (the amount of the accepted bid) exceeds $50,000.00 in the event the sale price exceeds fifty thousand dollars and additional compensation (including commissions) in excess of $500.00 is sought pursuant to CPLR §8003(b) and if no surplus monies are produced by the sale, the parties may present a stipulation, signed by the Referee and all parties appearing, agreeing to a total sum to be so ordered by the Court. Where surplus monies will be available following the distribution of sums as provided herein, or where the parties are unable to agree to the Referee's proper compensation under CPLR 8003(b), application shall be made to this Court on notice to all parties known to be entitled to claim against any surplus monies, including the defaulting owner of equity of redemption. Such application shall be promptly submitted to the Court within five days of the transfer of deed and prior to filing the Report of Sale. The five day period for payment of surplus money into Court as set forth in RPAPL §1354(4), and the thirty day period set forth in RPAPL §1355 for the filing of the Report of Sale shall be deemed extended pending the decision of the Court regarding such application. The referee shall complete and file the Suffolk County Foreclosure Action Surplus Monies form with the Supreme Court Calendar Clerk and the Suffolk County Clerk within Thirty (30) days of the foreclosure sale.

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In the event the scheduled sale is cancelled or postponed, pursuant to CPLR §8003(a), Plaintiff shall compensate the Referee the sum of $250.00 for each adjournment or cancellation

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upon less than 24-hours notice to the Referee

~~unless the Referee has requested the delay.~~ Such compensation may be recouped from the proceeds of sale as a cost to Plaintiff. This order shall constitute the necessary prior authorization for compensation as set forth herein.

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No compensation in excess of $750.00, including compensation authorized pursuant to CPLR 8003(a) for computation of the sum due to Plaintiff, may be accepted by the Referee without Court approval and compliance with the filing provision of Section 36.4 of the Rules of the Chief Judge.

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SECOND: The expenses of sale and the advertising expenses as shown on the bills presented and certified by said Referee to be correct, copies of which shall be annexed to the Report of Sale.

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THIRD: Pursuant to Real Property Actions and Proceedings Law 1354, in accordance with their priority according to law, taxes, assessments, sewer rents, water rates and any charges placed upon the property by a city agency which have priority over the foreclosed mortgage, which are liens on the premises at the time of sale with such interest or penalties which may have lawfully accrued thereon the date of payment.

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FOURTH: Said Referee shall also pay to the Plaintiff or Plaintiff's attorney, the sum of $1,944.94 to be determined by the Clerk and adjudged to the Plaintiff for costs and disbursements in this action or as taxed by the Clerk on the Costs of Plaintiff and inserted therein, with interest thereon from the date hereof; and also the sum of $522,484.94, the said amount so reported due as aforesaid, together with contractual interest thereon from July 19, 2018, the date interest was calculated to in said report to the date of entry of this Order, and thereafter the statutory post-judgment date to the date of transfer of title, or so much thereof as the purchase money of the mortgage premises will pay of the same, together with reasonable attorney's fees in the sum of

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$850.00 as provided for in paragraph 22 of the Mortgage, together with any advances as provided for in the Note and Mortgage which plaintiff has made for taxes, insurance, principal and interest and any other charges due to prior mortgages or to maintain the premises pending consummation of this foreclosure sale, not previously included in the computation, upon presentation to the Referee of receipts for said expenditures, all together with interest thereon pursuant to the note and mortgage as above provided. Copies of such receipts shall be annexed to the Referee's Report of Sale pursuant to RPAPL §1355; and it is further

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ORDERED, ADJUDGED AND DECREED that in case the Plaintiff or Plaintiff's assignee be purchaser of said Mortgaged Premises at said sale, or in the event that the rights of the purchaser at said sale and the terms of sale under the judgment shall be assigned to and be acquired by the Plaintiff or Plaintiff's assignee, and a valid assignment thereof filed with said Referee, said Referee shall not require the Plaintiff or its assignee to pay in cash the entire amount bid at said sale, but shall execute and deliver to the Plaintiff or its assignee, a deed or deeds of the premises sold upon the payment to said Referee of the amount specified above in items marked "**FIRST**", "**SECOND**" and "**THIRD**", if such expenses were paid by the Referee, or in lieu of the payment of said last mentioned amounts, upon filing with said Referee receipts of the proper municipal authorities showing payment thereof. The balance of the amount of the bid, after deducting the aforesaid amounts paid to the Referee for compensation and expenses, taxes, assessments, sewer rents and water rents, and priority liens of a city agency, shall be allowed to the plaintiff and applied by said Referee upon the amounts due to the plaintiff specified in item marked "**FOURTH**". If upon so applying the balance of the amount bid, there shall be a surplus over and above the said amounts due to the Plaintiff or its assignee, the Plaintiff or its assignee shall pay to said Referee, upon delivery to Plaintiff or its assignee of said Referee's deed, the amount of the surplus [which

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will be applied by the Referee upon motion made pursuant to RPAPL §1351(3) and proof satisfactory to the Referee of the sums due thereon, to any subordinate mortgage duly recorded against the property, pursuant to RPAPL §1354(3), which payments shall be reported in the Referee's Report of Sale.] Any surplus remaining after all payments as herein provided shall be deposited into Court in accordance with RPAPL §1354(4) and the Referee shall immediately give notice of such surplus to the owner of the mortgaged premises as identified by Plaintiff at the time of the sale; and it is further

ORDERED, ADJUDGED AND DECREED that said Referee shall take the receipt of the Plaintiff's or the attorneys for the Plaintiff for the amounts paid as directed in item "**FOURTH**", and file it with his/her Report of Sale; that he/she deposit surplus monies, if any, with the Suffolk County ~~Clerk~~ Comptroller within five days after the same shall be received unless such period is deemed to be extended by the filing of an application for additional compensation as set forth herein, to the credit of this action, to be withdrawn only on Order of this Court, signed by a Justice of the Court; that said Referee shall make his/her report of such sale under oath showing the disposition of the proceeds of the sale and accompanied by the vouchers of the persons to whom payments were made, and shall file it with the Suffolk County Clerk within thirty days after completing the sale and executing the proper conveyance to the purchaser or within thirty days of the decision of the court with respect to any application for additional compensation; and it is further

ORDERED, ADJUDGED AND DECREED that the referee submit proof of deposit of any surplus monies with the County Comptroller, with the Supreme Court Calendar Clerk, and the Suffolk County Clerk within Thirty (30) days of the date of closing title; and it is further

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ORDERED, ADJUDGED AND DECREED that if the proceeds of such sale be insufficient to pay the amount reported due to the Plaintiff or its assignee with interest and costs as aforesaid, the Plaintiff or its assignee shall recover from the Defendant, Suffolk County Public Administrator as Administrator of the Estate of Robert Belcher, the whole deficiency or so much thereof the Court may determine to be just and equitable of the residue of the mortgage debt remaining unsatisfied after the sale of the mortgaged premises and the application of the proceeds thereof, provided a motion for a deficiency judgment shall be made within 90 days of the delivery of the deed by the Referee, and the amount thereof is determined and awarded by an order of this Court as provided for in said action ; and it is further

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ORDERED, ADJUDGED AND DECREED, that the purchasers at such sale be let into possession upon service of the Referee's deed or deeds; and it is further

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ORDERED, ADJUDGED AND DECREED, that each and all of the Defendant(s) in this action and all persons claiming under them, or any of either of them, after the filing of such notice of pendency of this action, be and they are hereby forever barred and foreclosed of all right, claim, lien, title, interest and equity of redemption in said Mortgaged Premises and each and every part thereof; and it is further

ORDERED, ADJUDGED AND DECREED, that said premises is to be sold in one parcel in "as is" physical order and condition, subject to any state of facts that an inspection of the premises would disclose; any state of facts that an accurate survey of the premises would show, and covenants, restrictions, declarations, reservations, easements, rights of way and public utility agreement of record, if any; any building and zoning ordinances of the municipality in which the mortgaged premises is located and possible violations of same; any rights of tenants or persons in possession of the subject premises; prior lien(s) of record, if any, except those liens addressed in

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§1354 of the Real Property Actions and Proceeding Law; any equity of redemption of the UNITED STATES OF AMERICA to redeem the premises within 120 days from date of sale; and it is further

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ORDERED, that in the absence of the Referee, the Court may designate a Substitute Referee forthwith; and it is furth

ORDERED, that the Referee appointed herein is subject to the requirements of 36.2(c) of the Chief Judge, and if the Referee is disqualified from receiving an appointment pursuant to the provisions of that Rule, the Referee shall notify the Appointing Judge forthwith; and it is further

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ORDERED, that a copy of this Judgment with Notice of Entry shall be served upon the designated Referee, the owner of the equity of redemption, as of the date of this Order, any tenants named in this action and any other party entitled to notice and no later than thirty (30) days prior to sale; and it is further

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ORDERED, that plaintiff serve the notice of the foreclosure sale and any adjournments upon the Supreme Court Calendar Clerk; and it is further

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ORDERED, that the caption of this action is amended by substituting the named Plaintiff, "MTGLQ Investors, L.P." with "U.S. Bank National Association, as Indenture Trustee on behalf of and with respect to Ajax Mortgage Loan Trust 2018-B, Mortgage-Backed Notes" and all proceedings heretofore filed herein shall be deemed amended accordingly," and it is further; and it is further

ORDERED, that the caption of this action, as amended, shall read as follows:

[Remainder of page intentionally left blank]

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SCHEDULE A
DESCRIPTION

District 0500, Section 438.00 Block 03.00 and Lot 089.000

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All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Islip, County of Suffolk, State of New York, known and designated as Lots 29, 30 and 31 in Block 22 said lots being shown on the map of Pinelake in West Islip, Property did belong to the Babylon Lands, Inc., situated in the County of Suffolk, New York, filed in the Office of the Clerk of Suffolk County on October 29, 1926 as Map No. 52.

Premises known as 530 Myrtle Avenue, West Islip, New York

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U.S. BANK NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE ON BEHALF OF AND WITH RESPECT TO AJAX MORTGAGE LOAN TRUST 2018-B, MORTGAGE-BACKED NOTES,

Index No. 21682/2013

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Plaintiff

-against-

SUFFOLK COUNTY PUBLIC ADMINISTRATOR AS ADMINISTRATOR OF THE ESTATE OF ROBERT BELCHER A/K/A ROBERT B. BELCHER; UNITED STATES OF AMERICA O/B/O INTERNAL REVENUE SERVICE; NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE; VIRGINIA BELCHER A/K/A VIRGINIA M. BELCHER; LANCE BELCHER A/K/A LANCE R. BELCHER; ROBERT BELCHER, JR.; UNKNOWN HEIRS OF THE ESTATE OF ROBERT BELCHER A/K/A ROBERT B. BELCHER; COMMISSIONER OF TAXATION AND FINANCE - CIVIL ENFORCEMENT REGION 5B; CLERK OF THE SUFFOLK COUNTY DISTRICT COURT,

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Defendants.

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and it is further;

ORDERED, that the Plaintiff shall serve a copy of the Notice of Sale upon the owner of the equity of redemption at both his/her last known address and the property address and upon the Foreclosure Department, if applicable, at least ten (10) days prior to the scheduled sale.

ENTER,

GRANTED

DEC 03 2018

Judith A. Pascale
CLERK OF SUFFOLK COUNTY

HON. JOSEPH FARNETI, A.J.S.C.

Judith A. Pascale

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

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MTGLQ INVESTORS, L.P., Index No. 21682/2013

Plaintiff,

-against-

COSTS OF PLAINTIFF

SUFFOLK COUNTY PUBLIC ADMINISTRATOR AS ADMINISTRATOR OF THE ESTATE OF ROBERT BELCHER A/K/A ROBERT B. BELCHER; UNITED STATES OF AMERICA O/B/O INTERNAL REVENUE SERVICE; NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE; VIRGINIA BELCHER A/K/A VIRGINIA M. BELCHER; LANCE BELCHER A/K/A LANCE R. BELCHER; ROBERT BELCHER, JR.; UNKNOWN HEIRS OF THE ESTATE OF ROBERT BELCHER A/K/A ROBERT B. BELCHER; COMMISSIONER OF TAXATION AND FINANCE - CIVIL ENFORCEMENT REGION 5B; CLERK OF THE SUFFOLK COUNTY DISTRICT COURT,

Defendants

----------X

COSTS OF PLAINTFF:

COST TAXED AT $ 1944.94
TIME _____ DAY OF _____
JAN - 8 2019
JUDITH A. PASCALE
CLERK OF SUFFOLK COUNTY

Costs before Note of Issue CPLR Sec. 8201 subd. 1	$200.00
Allowance by statute CPLR Sec.8302 (a) (b)	$150.00
Additional allowance CPLR Sec. 8302 (d)	$50.00
Motion costs CPLR Sec 8303	$0.00
Costs:	**$400.00**

DISBURSMENTS:

Fee for index number CPLR Sec. 8018 (a)	$400.00
Referee's fee CPLR Sec. 8301(a)1	$250.00
Clerk's fee, filing notice of pend. or attach. CPLR Sec. 8021 (a)(10)	$220.00
Paid for searches CPLR Sec. 8301(a)(1)	$489.94
Serving copy of summons and complaint CPLR Sec. 8011(c)1	$0.00

Firm File No. 181430

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Request for Judicial Intervention CPLR Sec. 8020(a)	$95.00
Fees for Submission of Order of Reference and Judgment CPLR Sec. 8020(a)	$90.00
Disbursements:	**$1,544.94**
Total Costs and Disbursements:	**$1,944.94**

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